



Lewis County Community Development
2025 NE Kresky Avenue
Chehalis, WA 98532

September 23, 2009

Re: Coyote Crest Wind Park Special Use Permit Application

Please find enclosed the Special Use Permit Application for the Coyote Crest Wind Park, submitted by EverPower and Pe Ell North LLC. The Applicant intends to meet the Lewis County Code and other written documents applicable to the Project, including:

- the General Criteria listed in Lewis County Code 17.115.020;
- the Supplemental Requirements provided in Lewis County Code 17.145 (except possibly Lewis County Code 17.145.030, as explained below);
- the Special Uses criteria listed in Lewis County Code 17.115.030(7);
- the findings proposed in the "Wind Project Proposed Findings;" and
- the Lewis County Comprehensive Plan.

The Applicant respectfully requests that the Lewis County Land Use Hearing Examiner approve the Special Use Permit Application for the Coyote Crest Wind Park based on the criteria provided below and in the Application.

General Criteria

The Applicant will ensure that the Project complies with the General Criteria listed in Lewis County Code 17.115.020, where applicable. As required by 17.115.020(1) LCC, the Applicant will ensure that the maximum environmental noise levels remain under the 60 dBA maximum established by WAC Chapter 173-60-040 for Class C facilities. Per 17.115.020(2) LCC, the Applicant will ensure that the Project meets air quality standards adopted by the Southwest Washington Air Pollution Control Authority (SWAPCA), where applicable, and any air quality permits issued for the Project. As required by 17.115.020(3) LCC, the Applicant will fully comply with any additional permits issued by the Washington State Department of Fish and Wildlife, the Army Corps of Engineers, or any other governmental agency having authority to issue a permit for this Project. Additionally, as required in 17.115.020(4) LCC, the Applicant will comply with all conditions imposed in the final environmental determination for the Coyote Crest Wind Park. As required by 17.115.020(5) LCC, adequate provision will be made within the Project Area for potable water, waste disposal, parking, transportation and stormwater control, as further described in the Application. Finally, the Project is not located in an area where the limits identified in 17.42.040 LCC have been reached, and therefore complies with 17.115.020(7) LCC. In addition to meeting the General Criteria, the Project will also meet the majority of the applicable Supplemental Requirements provided in Lewis County Code 17.145 and seeks guidance from Lewis County regarding 17.145.030 LCC.





Supplemental Requirements

The Applicant will ensure that the Project complies with the applicable Supplemental Requirements provided in 17.145 LCC, excepting 17.145.030 LCC. The Project will meet appropriate industrial setbacks as required in 17.145.020(c) LCC, and ensure that the noise requirements provided in 17.145.050 LCC are met (as discussed above and required by 17.115.020(1) LCC). The road construction, stormwater and development standards requirements of 17.145.08(1), (3) and (5) LCC will be met as discussed in the Application, as will the substation requirements of 17.145.100 LCC. With regard to 17.145.030 LCC, the majority of the wind turbine generators located in the Project Area meet the height requirements imposed by 17.145.030(3) LCC; however, due to a possible change in the boundaries of the Project Area, two of the turbines may not meet the height requirement and Applicant seeks guidance from Lewis County as to possible solutions to bring these wind turbines into full compliance with the Lewis County Code.

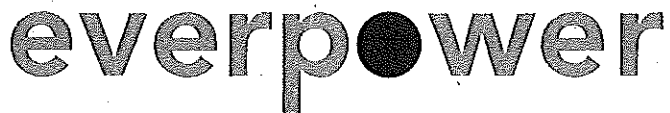
Special Uses Criteria

In addition to meeting the majority of the Supplemental Requirements, the Project will also meet the Special Uses Criteria of 17.115.030(7) LCC. Lewis County and the Applicant identified 17.115.030(7) LCC as an applicable provision in the Wind Project Proposed Findings and it is the provision under which the Applicant is permitting the Project as a Special Use. The provision provides that “residential, recreational, and other non-resource uses permitted under Chapter 17.30 LCC, resource lands...shall demonstrate that the use does not adversely affect the overall productivity of the total resource parcel for the intended resource use by reason of the non-resource activity proposed.” The Project complies with this provision in that only a small portion of the Project Area will be permanently developed, as further explained in the Application. As discussed in the Wind Project Proposed Findings, the Project also meets other Lewis County policies and guidelines.

Lewis County Policy

As discussed in the Wind Project Proposed Findings (“Findings”) 4, Lewis County’s policy is “to support forest industries along with ‘reasonable associated and incidental uses’...‘which aid and ensure the economic viability of the long term commercial resource user.’” Due to the small amount of land permanently used by the Project, Weyerhaeuser can continue to use the vast majority of the Project Area for forest practices while also receiving lease payments from the Applicant for use of forest lands. Additionally, as explained in Finding 7, the Project meets the purpose of the Forest Resources classification “since it is consistent with and supports the economic viability of the forest use.” As provided in Finding 13, the Project is a “non-resource use” permitted under Chapter 17.30. As required by that same chapter and explained in the Application, the Project does not “adversely affect the overall productivity of the total resource parcel for the intended resource use,” since the Project permanently affects only a small percentage of the forest resource land.





Lewis County Comprehensive Plan

The Project also meets the guidelines of the Lewis County Comprehensive Plan. In the Introduction, the Plan identifies the State Environmental Policy Act and other laws as “GMA Regulations,” under which all decisions will be consistent with, and in accordance with, the goals set forth in the Plan (Introduction 1-4). The Project meets all applicable aspects of the Plan, including Natural Resource Goals, Utility Goals, the Vision Statement, and the Land Use Element of the Plan.

The Comprehensive Plan lists several Natural Resources Goals applicable to the Project, including encouraging the multiple use and conservation of forest land. In the Introduction, the Plan provides that “the County encourages the multiple use of forest land,” and allows for other uses of forest land compatible with the primary use (Introduction, 1-33). The Natural Resources goals further provide that “the County should protect the interests of land-owners who wish to continue the practice of management of natural resources,” (Natural Resource Policy 1.2, Land Use Element, 4-59) and that “the County encourages the multiple use of forestland,” acknowledging the primary use and providing for other compatible uses, including “air and water quality, fauna, flora and their habitats, viewsheds, watersheds and dispersed recreation” (Natural Resource Policy 1.3, Land Use Element, 4-59). The Project will only permanently disturb a small portion of the Project Area and will help to decrease the amount of air pollution and greenhouse gas emissions created through the production of energy in the region. Additionally, the Project will provide revenue to Weyerhaeuser, while allowing continued maintenance the land for natural resource uses. Therefore, permitting the Project would meet the above Natural Resource Goals by allowing for a positive multiple use of forest land and allowing the land to be maintained primarily for natural resource uses, all while providing an additional source of revenue and encouraging the protection of natural resources, such as air and water quality.

The Plan also generally provides that Natural Resource Goals take into account that “natural resource related activities should minimize their adverse impacts on the natural environment” (Introduction, 1-32). Natural Resources Goal NR1.7 provides that “land use activities within or adjacent to Natural Resource Land uses should be sited and designed to minimize conflicts with resource management and other activities on natural resource land” (Land Use Element, 4-59). As described more fully in the Application, construction of the Project is designed to minimize impacts on the surrounding environment, such as those to water and air, while the Project itself is designed to minimize the impact on the viewshed and is not expected to otherwise negatively impact the environment during operation.

In addition to Natural Resource Goals, the Comprehensive Plan includes several Utility Goals applicable to the Project, and generally encourages “adequate delivery of electric services to residents of Lewis County,” (Introduction, 1-56) and development of flexible regulations that are receptive to innovations and advances in telecommunications technology (Utility Policy 7.1, Utilities Element, 7-31).

The Utilities Goals include: ensuring that “necessary and adequate utilities to support development in Lewis County are provided in a manner consistent with the Comprehensive



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Plan” (Utilities Element, 7-29); assisting “with planning and delivery of utility services to the unincorporated urban and rural areas of the county” (Objective U 1, Utilities Element, 7-29); and encouraging “adequate delivery of electric services to residents of Lewis County,” including allowing distribution sites within residential areas, so long as substations are properly fenced to prevent access to equipment and reasonable efforts are made to minimize adverse impacts to the surrounding neighborhood (Utilities Element, 7-30). The Project is consistent with the Comprehensive Plan through meeting the Natural Resource Goals, Vision Statement and Land Use Element of the Plan. Approval of the Project would allow the County to attain the Plan’s Utilities Goals through improving energy infrastructure in the County in a manner consistent with the Comprehensive Plan, therefore encouraging adequate delivery of electric services to support development in a rural area. Additionally, the Plan requires flexible regulations that are receptive to innovations and advances in telecommunications technology, which the County could apply to energy technology as well.

The Project also complies with the Lewis County Vision Statement. The Lewis County Vision Statement provides that growth and development in “urban, rural and natural resource and open space areas...will respect and enhance these characteristics” (Twenty Year Vision, 2-4). Additionally, “well-managed natural resource areas that continue to provide opportunities for natural resource based industries, like agriculture and timber, into the future,” and growth and development that preserves “the quality environment enjoyed in Lewis county for future generations,” such as the “open lands, forest, river and stream corridors are essential resources which provide the fish and wildlife habitat, recreational opportunities, scenic beauty, and aesthetic qualities that make Lewis County an attractive place to live,” will be encouraged (Twenty Year Vision, 2-4). The Vision Statement further declares that “growth must be supported by adequate public services” and that “technologies will be encouraged where they provide logical solutions to Lewis County’s utility service needs” (Twenty Year Vision, 2-5). Development of the Project respects the open space, rural and natural resources characteristics of the Project Area by paying special attention to the location of each turbine and its impact on the viewshed, as well as taking other steps to minimize the visual impact of the Project on the surrounding areas, as further described in the Application. Development of the Project will support the Weyerhaeuser tree farm into the future by providing revenue from wind energy in addition to revenue collected from logging, and will help to maintain the open lands supporting fish and wildlife by developing only a small portion of land within the Project Area and leaving the remainder as open space. The Project is expected to have a minimal impact on wildlife, and through the reduction in pollution allowed by the Project will have an overall positive impact on the natural resources in the region. The Project requires little use of public services but will support the tax base of Lewis County, therefore providing for any necessary public services. The Project will provide energy to Lewis County and Washington and will assist Lewis County in meeting the utility needs for new development in a sustainable manner. Approving development of the Project will encourage the preservation of open space and will encourage a new technology that helps to meet Lewis County’s utility service needs.

The Land Use Element of the Comprehensive Plan “supports the GMA goals,” and is based “on a vision of Lewis County that concentrates growth in urban areas and rural areas of more intense development, but recognizes the need for economic diversity in the county” (Land Use Element,



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4-1). Additionally, the Natural Environment Sub-element of the Land Use Element provides that one of the GMA goals is to “maintain and enhance natural resource-based industries, including productive timber, agricultural, and mining industries,” and to “encourage the conservation of productive forest lands and productive agricultural lands” (Land Use Element, 4-61). The Project supports economic diversity of the County, maintains the open space and rural characteristics of the Project Area by limiting the visual impact of the Project facilities, and provides for economic diversity in the County by providing both tax revenue and jobs in the area. The Project also meets the Natural Environment Sub-element by allowing Weyerhaeuser to continue the productive use of their forest lands while collecting additional revenue through land lease fees, therefore maintaining the productive timber industry and encouraging the conservation of productive forest lands by keeping these lands from other types of more intensive development. Therefore, approval of the Project allows Lewis County to meet the Land Use Element of the Comprehensive Plan.

In consideration of the above and the attached Special Use Permit Application, the Applicant respectfully requests that the Lewis County Land Use Hearing Examiner approve the Special Use Permit Application.

Sincerely,



David McClain
Vice President
Pe Ell North, LLC



